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Response Under C.F.R. § 1.116
Expedited Procedure
Examining Group 2625

AF



PATENT
ATTORNEY DOCKET NO.: 041465-5107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Tomohiro KIMURA) Confirmation No.: 1757
Application No.: 09/824,717) Group Art Unit: 2625
Filed: April 4, 2001) Examiner: Couso, Yon Jung
For: METHOD OF DETECTING A FADE) Mail Stop AF
CHANGE IN IMAGE INFORMATION)
BASED ON INTRA-FIELD DISPERSION)
VALUES AND INTRA-FIELD)
DC LEVELS (AS AMENDED))

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

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AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Final Office Action dated August 10, 2004 (Paper No. 8).
2. Additional papers enclosed:

Submission of Replacement Drawing Sheets
 Information Disclosure Statement
 Form PTO-1449, _____ references included
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| Total Months <u>Requested</u> | Fee for <u>Extension</u> | [Fee for Small Entity] |
|---------------------------------------|-----------------------------|---------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 430.00 | \$ 215.00 |
| <input type="checkbox"/> three months | \$ 980.00 | \$ 490.00 |
| <input type="checkbox"/> four months | \$ 1,530.00 | \$ 765.00 |

Extension of time fee due with this request: \$ _____

If an additional extension of time is required, please consider this a Petition therefor.

An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|----------------------------------|-------|-----------------------------|---------------|---------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 20 | minus | 24 | 0 | x \$18 each = | + \$0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 4 | minus | 4 | 0 | x \$88 each = | + \$0.00 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$290.00 | + \$0.00 |
| SUB-TOTAL = | | | | | | \$0.00 |
| Reduction by ½ for filing by a small entity | | | | | | - \$0.00 |
| TOTAL FEE = | | | | | | \$0.00 |

6. Fee Payment

No fee is to be paid at this time.

The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of \$ _____ for the one-month extension of time fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Dated: November 4, 2004

By:

Paul A. Fournier
Reg. No. 41,023

CUSTOMER NO. 09629

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Sir:

AMENDMENT

In response to the Final Office Action dated August 10, 2004 (Paper No. 8), and pursuant to 37 C.F.R. § 1.116, the period for response to which extends through November 10, 2004, entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal: